

REMARKS

The Official Action mailed December 16, 2003, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on December 27, 2000, July 3, 2001, June 18, 2002, June 28, 2002, and December 12, 2002.

Claims 109-166 are pending in the present application, of which claims 109, 113, 117, 121, 125, 129, 133, 137, 141, 144, 147, 149, 151, 153, 155, 157, 159, 161, 163 and 165 are independent. Claims 149, 153, 157, 161 and 165 have been amended in response to a rejection under § 112. Accordingly, claims 109-166 are now pending in the present application. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.


Paragraphs 4 and 5 of the Official Action reject claims 149, 150, 153, 154, 157, 158, 161, 162, 165 and 166 under 35 U.S.C. § 112, second paragraph, for lack of antecedent basis for "said second insulating layer" and for indefiniteness. In response, the Applicant has amended claims 149, 153, 157, 161 and 165 to recite "a second flattened insulating layer formed over said insulating layer comprising DLC." The amendments are merely clarifying in nature, and should not in any way affect the scope of protection afforded the claims for infringement purposes, particularly under the Doctrine of Equivalents. The Applicants respectfully submit that the claims 149, 150, 153, 154, 157, 158, 161, 162, 165 and 166 are definite as amended. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

Paragraph 7 of the Official Action rejects claims 109-132 and 141-166 under the doctrine of obviousness-type double patenting over claim 8 of copending Application No. 09/295,397 to Yamazaki. The Applicant notes that the '397 application has issued

as U.S. Patent No. 6,593,990 to Yamazaki, and that claim 8 was canceled during the prosecution thereof. Therefore, the double patenting rejection is moot. Reconsideration is requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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